



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/132,351	08/12/1998	ROE-KWAN KIM	678-154(P837	9276

7590 09/09/2004

FRANK CHAU  
DILWORTH & BARRESE  
333 EARLE OVINGTON BOULEVARD  
UNIONDALE, NY 11555

EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
----------	--------------

2681

DATE MAILED: 09/09/2004

26

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/132,351

**Applicant(s)**

KIM, ROE-KWAN

**Examiner**

Ternica M. Davis

**Art Unit**

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 10 and 11 (now canceled and implemented in claim 9) is withdrawn in view of the newly discovered reference(s) to Mukherjee.

Rejections based on the newly cited reference(s) follow.

### ***Claim Objections***

2. Claim 9 is objected to because of the following informalities: In line 23, "umbers" should read --numbers--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders, III et al (Sanders), U.S. Patent No. 6,026,296, admitted prior art and Mukherjee et al (Mukherjee), U.S. Patent No. 6,289,223.

Regarding claim 9, Sanders discloses a method for transmitting a short message to a plurality of subscribers in a mobile communication system (col. 7, lines 4-20), comprising the steps of:

- transmitting from a mobile communication terminal a short message registration signal including a short message service center number, a group identifier and at least one subscriber number, the group identifier being a separately defined field from device identifiers (IDs) of the mobile communication terminal and the plurality of the subscribers (which reads on the target address of a dispatch controller 103 which is a separate entity from the existing cellular network as shown in figure 1) (col. 2, lines 37-65, col. 7, lines 4-20 and col. 10, lines 17-41);

- detecting, by a short message service center, said group identifier from said short message registration signal (col. 10, lines 17-41); and

- registering said transmitted subscriber numbers in said short message service center in accordance with said detected group identifier (col. 2, lines 37-65 and col. 7, lines 4-20).

Sanders, however, fails to specifically disclose wherein the step of transmitting the short message information from said mobile communication terminal includes the steps of:

- displaying a plurality of menus;
- selecting a short message service menu from said plurality of displayed menus;
- displaying a first set of sub-menus associated with said short message service menu, said first set of sub-menus including a short message transmission mode and a short message group registration mode;
- instructing a calling subscriber to input a short message service center number in response to selecting said short message group registration mode sub-menu;

- inputting said group identifier and said subscriber numbers; and
- transmitting said short message signal including said short message service center number, said group identifier and said subscriber numbers..

However, the applicant has provided a conventional short message transmission operation which meets the limitations of claim 9 (page 4, lines 6-18).

The admitted prior art, however, fails to disclose a group transmission mode.

In a similar field of endeavor, Mukherjee discloses a system and method for selective multipoint transmissions of short message service messages. Mukherjee further discloses wherein a user can input multiple usergroups and group identifiers inherently from a menu option (col. 2, lines 5-21) in order to initiate transmission of a multipoint SMS message.

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify the combination of Sanders and admitted prior art with the teachings of Mukherjee for the purpose sending a single message to multiple users simultaneously.

Regarding determining if a subscriber number end key is actuated and instructing a caller to input another number if the end key is not actuated, the examiner contends that the system in Mukherjee is inherently able to know when the user is finished inputting numbers as evidenced by the fact the SMS message is sent once the user groups and identifiers are defined by the user (col. 2, lines 18-21).

Regarding claim 12, the combination of Sanders, admitted prior art and Mukherjee discloses the method of claim 9 wherein said step of transmitting said short message signal includes the steps of determining if a transmit key is actuated when

Art Unit: 2681

said subscriber number end key is actuated and transmitting said short message signal upon actuation of said transmit key as evidenced by the fact the SMS message is sent once the user groups and identifiers are defined by the user (col. 2, lines 18-21).

Regarding claim 13, the combination of Sanders, admitted prior art and Mukherjee discloses the method of claim 9 further comprising the step of storing said detected group identifier from said short message registration signal (Mukherjee, col. 2, lines 5-21).

Regarding claim 14, the combination of Sanders, admitted prior art and Mukherjee discloses the method of claim 9, wherein said step of registering said transmitted subscriber numbers comprises the steps of detecting said transmitted numbers; assigning a plurality of addresses corresponding to the detected group identifier and storing each of said subscriber numbers in a corresponding one of said assigned addresses (Mukherjee, col. 2, lines 5-21).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Davis  
Examiner  
Art Unit 2681

September 4, 2004

  
**TEMICA M. DAVIS**  
**PATENT EXAMINER**